

HF 11648
Docket No.: PC-0022 CIP

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Attn: Group Director, Group 1600, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 17, 2003

By: Diane Kizer

Printed: Diane Kizer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tang et al.

Title: GROWTH-RELATED INFLAMMATORY AND IMMUNE RESPONSE
PROTEIN

Serial No.: 09/747,524

Filing Date: December 19, 2000

Examiner: Hill, M.

Group Art Unit: 1648

ATTN: GROUP DIRECTOR GROUP 1600

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL FEE SHEET

Sir:

Transmitted herewith are the following for the above-identified application:

1. Return Receipt Postcard;
2. Petition Under 37 C.F.R. §1.181 to Vacate Notification of Non-Compliance with 37 C.F.R. §1.192(c)(3 pp); and
3. Copy of Notification of Non-Compliance dated July 16, 2003 (2 pp.).

X No additional Fee is required.

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

INCYTE CORPORATION

Date: September 17, 2003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,524	12/19/2000	Y. Tom Tang	PC-0022 CIP	9999

27904 7590 07/16/2003

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Incyte Genomics Inc.
Patent/Corp. Legal Dept.
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
SEP 26 2003
TECH CENTER 1600/2900

Notification of Non-Compliance With 37 CFR 1.192(c) 	Application No. 09/747,524	Applicant(s) TANG ET AL.
	Examiner Myron G. Hill	Art Unit 1648

RECEIVED
SEP 28 2003
TECH CENTER 1600

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address.


The Appeal Brief filed on 04 June 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Entry of the declaration under 37 CFR 1.132 of Dr. Tod Bedilion is hereby DENIED under 37 CFR 1.195 as good and sufficient reasons were not given as to why this declaration could not have been presented earlier. In addition, the new publications referenced in the Brief and appended thereto are also DENIED entry under 37 CFR 1.195 and 1.197 as these documents were not timely submitted. The brief will not be entered because a substantial portion relies on arguments from the declaration and also contains references that are not of record in the pending application. Appellant should remove any reference to evidentiary documents (declaration and publications) that are the reason for non entry of the declaration and the brief.

11/1


 JAMES HOUSEL 7/14/03
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 1600